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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,293	11/14/2003	Shane Behbahany	50481/5	1152
3528	7590	05/12/2006	EXAMINER	
STOEL RIVES LLP 900 SW FIFTH AVENUE SUITE 2600 PORTLAND, OR 97204-1268			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/713,293

Applicant(s)

BEHBAHANY, SHANE

Examiner

Ghassem Alie

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3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmermann (5,345,686) in view of Wolfe (2,532,981). Regarding claim 1, Zimmermann teaches a chain saw bar tensioning apparatus including a chain saw bar 14A-14C mounted to chain saw 2 via at least one mounting stud 12-13. Zimmerman also teaches a sliding member 23 adjacent to a first tensioning member 22, wherein the first tensioning member biases sliding member 23 in a direction such when the apparatus is incorporated into chain saw bar and mounted to chain saw having a mounting stud 12-13 projecting from a housing of the chain saw 2, sliding member 23 is biased towards the mounting stud 12-13. See Figs. 1-6 and col. 3, lines 24-50 and col. 4, lines 12-42 in Zimmermann.

Zimmermann does not teach that a latch adjacent to a second tensioning member, wherein the recess of the sliding member is configured to receive the latch. Zimmerman also does not teach that when the sliding member is forced in a direction away from the mounting stud the latch will eventually enter the recess and prevent the sliding member from moving towards the mounting stud. However, the use of latch to lock the sliding member of a chain saw bar at a specific location relative to the chain saw bar is well known to the art such as taught by Wolfe.

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Wolfe teaches a latch 25' which is configured to be receive in a recess 24', and wherein latch 25' is biased and enters recess 24' and prevent a sliding member 25 from moving towards a mounting stud of a chain saw. Wolfe also teaches that when the sliding member 25 is forced in a direction away from the mounting stud the latch will eventually enter the recess and prevent the sliding member from moving towards the mounting stud. It should be noted that as the sliding member moves away from the mounting stud towards the free end of the chain saw bar 20, the latch 25' enters the recess and inherently prevent the sliding member 25 from moving towards the mounting stud. See Figs. 1-5 in Wolfe. Wolfe also teaches that the latch 25' is a finger spring which inherently has an integrated biasing means. The spring and the latch are not separated in Wolfe. Wolfe does not expressly teach that the latch is adjacent to the second tensioning member and the tensioning member and the latch are separated. It should be note that applicant admitted that the latch can be separated from the second tensioning member or can be integral with the second tensioning member. See paragraph 11 in the specification of the instant application. In addition, spring finger 25' inherently is made of a latch and a tensioning member. The latch is defined by the tip portion of the spring 25' which enters recess 24' and the lower portion of the spring finger defines the second tensioning member. Furthermore, the use of separate tensioning member and the latch are well known in the art such as taught by Stuart-Prince (3,039,337). It would have been obvious to a person of ordinary skill in the art to provide Zimmermann's chain saw bar with latch and recess in order to rigidly lock the sliding member at a pre-selected location and avoid

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movement of sliding member that may change the tension of the chain saw during the use.

Regarding claim 3, Zimmermann, as modified by Wolfe, teaches everything noted above including that the first tensioning member and the second tensioning member comprises springs. It should be noted that spring finger 25' inherently is made of a latch and a tensioning member. The latch is defined by the tip portion of the spring 25' which enters recess 24' and the lower portion of the spring finger defines the second tensioning member.

Regarding claims 4 and 5, Zimmermann, as modified by Wolfe, does not expressly teach that the sliding member has a recess and the latch is received in the recess of the sliding member. Instead, Wolfe teaches that the slider has a latch which is a spring finger and is received in the recess of flange 24. See Figs. 1-5 in Wolfe. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to equip the slider with a recess and the flange with a latch in Wolfe, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. In addition the use of a slider with a recess and a flange with a latch is well known in the art such as taught by Stuart-Prince.

3. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmermann in view of Wolfe, as applied to claims 1 and 5, and in further view of Stuart-Prince. Regarding claims 2 and 6, Zimmerman, as modified by Wolfe, teaches everything noted above except that the sliding member has a plurality of recesses formed therein that enable the sliding member to be ratcheted away from the

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mounting stud in a set-like fashion. However, the use of sliding bar has a plurality of recess and can be extended in a step-like fashion is well known in the art such as taught by Stuart-Price. Stuart-Price teaches a tensioning mechanism that includes a sliding member 24 having a plurality of recesses 28. Stuart-Prince also teaches that a latch 22 adjacent to a means 34 for biasing the latch. Stuart-Prince also teaches that the sliding member is ratcheted away from the mounting section 26 in a step-like fashion. See Figs. 1-8 and col. 2, lines 33-52 and col.4, lines 3-67 in Stuart-Prince. It would have been obvious to a person of ordinary skill in the art to provide the sliding member in Zimmermann's chain saw bar, as modified by Wolfe, with the plurality of recesses, as taught by Stuart-Prince, in order to adjust the position of the sliding member and the tension along the chain saw incrementally.

#### ***Response to Amendment***

4. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamilton (3,232,325), Ehlen et al. (3,279,508), Walker (3,382,898), Reynolds (4,382,334) teach a chain saw bar having a sliding member.

Baringer (3,075,611), Legrande (3,354,755), and Shyvers (2,074,567) teach a sliding member having a plurality of recesses and a latch engaging with plurality of recesses.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

  
**BOYER D. ASHLEY**  
**SUPERVISORY PATENT EXAMINER**

GA/ga

May 5, 2006